

MEMORIAL

OF

THE CHAMBER OF COMMERCE,

OF THE

CITY OF PHILADELPHIA,

PRAYING FOR A GENERAL

System of Bankruptcy.

JANUARY 5, 1824.

Read, and ordered to lie upon the table.

WASHINGTON :

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1824.

RECEIVED

THE CHAMBER OF COMMERCE

OFFICE OF THE SECRETARY

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the Philadelphia Chamber of Commerce,

RESPECTFULLY SHEWETH:

That the attention of your memorialists has been once more excited, in relation to the establishment of a system of Bankrupt Laws, throughout the United States, by observing that the subject has been again brought forward for legislative consideration. From the strongest impressions of the importance of this subject, your memorialists are led to reiterate the sentiments which they have heretofore expressed concerning it, and respectfully to submit them to the present Congress.

The experience of your memorialists has added strength to the conviction, that not only the commercial, but the common and general interests of the country would be promoted by the establishment of a uniform system of Bankrupt Law. In the very nature of things, much of the business of the country is, and must be, transacted upon credit; and the consequence is, that, through adverse fortune, bad management, or some untoward cause, failures in business are constantly occurring. As the laws now stand, the complete and absolute disposal of their property rests with the debtors, and they designate the trustees, distribute the funds, and coerce their creditors to a release, in such manner and upon such terms as they think proper to impose. It is easy to perceive, that, where such is the law, there can be but little hope from the voluntary and partial assignments which are made, that the creditor will obtain his just proportion of the insolvent's effects; and, indeed, in cases of commercial failure, it is now scarcely a matter of expectation, that any dividend will be made among the general creditors.

It is both seen and felt, that, so far as regards the interests of creditors, such a change of the law as shall produce the certain and equal distribution of the debtor's estate, among all his creditors, is sincerely to be desired.

On the part of the honest and unfortunate debtor, this change is equally desirable. Such debtors experience the greatest difficulty in obtaining that release which a fair surrender of property should ef-

fect; and are often compelled to resort to the insolvent laws for a mere protection of the person, and are at last placed in a situation in which there is almost a prohibition of all future efforts. By the prevailing system, they have less favor and protection, or, at least, practically, they experience less, than the fraudulent bankrupt, who boldly imposes his own terms, and compels his creditors to submit to them.

Your memorialists may be suffered to remark, that the provision of the Constitution for a law on this subject, plainly manifests that, it is matter of national concern; and seems to call loudly for the exercise of the legislative functions in relation to it. It would seem that the States are indisposed to exercise the power which remains in them, individually, because, the power may be exercised by Congress. The experience of all parts of the country appear to proclaim the insufficiency of the systems of insolvent law which prevail under different forms in the Union, many of which are only endured until a better system can be brought into action: and, the sentiment that a national bankrupt system is required by the interests of commerce and general business, is very extensively prevalent.

It is not the purpose of your memorialists to enter particularly into the discussion of a subject which has been so frequently and fully investigated; but, they have thought that the interests which they represent demand that they should again submit their sentiments to Congress, and unite their voice to that of those of their fellow-citizens who are soliciting the enactment of a national bankrupt law. They, therefore, respectfully request that Congress will take this subject into its early consideration, and adopt such measures as may lead to the establishment of a uniform system of bankruptcy throughout the United States.

By order:

ROBT. RALSTON,

President of the Philadelphia Chamber of Commerce.

PHILADELPHIA, 1st January, 1824.